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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/026,233 | 12/21/2001 | Yiu Chau Chau | 144 P 022 | 4489 |
| 26568 | 7590 | 02/05/2004 | EXAMINER | |
| COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER LTD SUITE 2850 200 WEST ADAMS STREET CHICAGO, IL 60606 | | | PHAM, MINH CHAU THI | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1724 | |

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/026,233 | CHAU, YIU CHAU | |
| | Examiner | Art Unit | |
| | Minh-Chau T. Pham | 1724 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riback et al (6,258,266 B1; 10, 12, 14, 16, 90 & 92 in Fig. 4; col. 3, lines 48-62; col. 4, lines 1-40 and line 50 through col. 5, line 3) and Bertrand et al (5,823,229; col. 6, lines 22-35; col. 7, line 42 through col. 8, line 61; col. 9, lines 1-26), in view of Nguyen et al (6,179,130 B1; 90 & 92 in Fig. 3; 158, 166, 176 & 178 in Fig. 8; col. 4, lines 11-46; col. 5, line 42 through col. 6, line 36 and line 62 through col. 7, line 2; col. 8, line 62 through col. 9, line 8; col. 10, lines 43-52).

Riback et al disclose a water treatment unit comprising a treatment housing containing a water treatment medium therein, a valve having an elongate chamber, an inlet for water opening to and communicating with the chamber, a discharge for discharging water from the chamber, a stationary member in a chamber, a rotation member in the stationary member. Bertrand et al disclose a switch member in the stationary member being rotatable between spray and stream positions. Claims 1-44 differ from the disclosure of Riback et al and Bertrand et al in that the stationary member has a plurality of openings therethrough. Nguyen et al disclose a stationary member in the chamber having a plurality of openings therethrough wherein some of which align with the inlet for water and some of which align with the discharge for

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discharging water. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a stationary with a plurality of openings as taught by Nguyen et al in the valve of the water treatment unit of Riback et al and Bertrand et al since the plurality of openings would help increasing the water flow into the water treatment for more filtration efficiency.

3. Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riback et al (6,258,266 B1; 10, 12, 14, 16, 90 & 92 in Fig. 4; col. 3, lines 48-62; col. 4, lines 1-40 and line 50 through col. 5, line 3) and Bertrand et al (5,823,229; col. 6, lines 22-35; col. 7, line 42 through col. 8, line 61; col. 9, lines 1-26), in view of Nguyen et al (6,179,130 B1; 90 & 92 in Fig. 3; 158, 166, 176 & 178 in Fig. 8; col. 4, lines 11-46; col. 5, line 42 through col. 6, line 36 and line 62 through col. 7, line 2; col. 8, line 62 through col. 9, line 8; col. 10, lines 43-52), as applied supra to paragraph 2 above, in view of Berkcan et al (6,474,155 B1; Abstract; col. 1, lines 24-62).

Claims 45 and 46 call for a flow sensor. Berkcan et al disclose a flow sensor which can be located in various pipes to detect whether there is a break in the pipe for flow path. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a flow sensor as taught by Berkcan et al in the valve apparatus of Riback et al and Bertrand et al since the flow sensor would help detect whether there is a break in the flow path of valve.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- McCann et al (5,097,863) disclose a flow control apparatus.
- Henkin et al (5,634,888) disclose a tap water discharge apparatus.
- Yonezawa et al (5,989,425) disclose a multi-way valve and water purifier using the same.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0987.



Minh-Chau Pham
Patent Examiner
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January 29, 2004